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Attorneys for Defendants
SWD TRANSPORT LLC and
ESTATE OF MARK WAYNE DARRAH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CAROLYN BRYAN AND DAVID CLARK,

Plaintiffs,

v.

MARK WAYNE DARRAH, SWD TRANSPORT
LLC, and DOES 1 to 10, inclusive,


Defendants.

Case No.: C-08-03480 EMC

**STIPULATION AND ORDER FOR
INDEPENDENT MEDICAL EXAMINATION
OF PLAINTIFF CAROLYN BRYAN**

Federal Rule Civil Procedure 35

THE PARTIES BY AND THROUGH THEIR RESPECTIVE COUNSEL OF RECORD hereby agree and stipulate pursuant to Rule 35 of Federal Rules of Civil Procedure, defendant may have plaintiff physically examined pursuant to the following conditions:

The examination will be conducted on ~~April 6, 2009 at 1:00 p.m.~~ ^{April 1, 2009 at 10:00 a.m.} the Offices of Newton Medical Group located at 180 Grand Avenue #100, Oakland, CA 94612. 

The examination will be conducted by Dr. Jim Anderson, M.D. a licensed physician within the State of California.

The scope of the examination shall include the taking of a history, a physical examination, including range of motion testing, both passive and active, and the performance of functional tests, including turning, walking, bending, and stooping. The examination may also include other evaluation techniques but shall not include any invasive methods or other diagnostic methods such as x-rays or

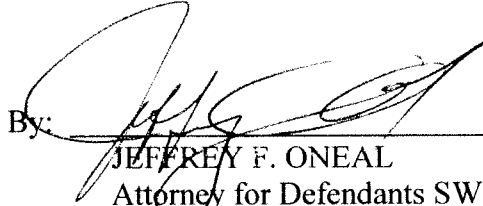
similar tools.

Dr. Anderson will prepare a written report concerning his examination, findings, diagnosis, conclusions and results which shall be delivered to counsel for all parties upon completion.

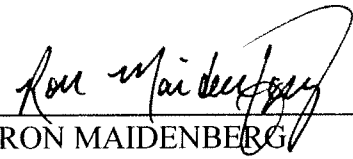
Plaintiff is not required pursuant to Rule 35(b)(3) to deliver to defense counsel a similar report which are otherwise privileged until such time an expert witness disclosure pursuant to Rule 26(a)(2).

IT IS SO STIPULATED.

Dated: 3/17/09, 2009

By: 
JEFFREY F. ONEAL
Attorney for Defendants SWD TRANSPORT LLC
and ESTATE OF MARK WAYNE DARRAH

Dated: 3/26, 2009

By: 
RON MAIDENBERG
Attorney for Plaintiffs
CAROLYN BRYAN & DAVID CLARK

IT IS SO ORDERED.

Dated: April 2, 2009

